IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1476 OF 1993

Mrs.Kalavati Mahadev Ghadi & Ors. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.R.M.Nakhwa i/b Mrs.S.A.Dhamale for the petitioner
Ms N.V.Sanglikar for the Respondents

CORAM: SMT.RANJANA DESAI & A.S.OKA,JJ.
DATE : DECEMBER 2,2005

P.C.:

1. Heard learned counsel for the petitioner. It is noted in the order of this court dated 16th August 2005 that the affidavit-in reply filed by respondent 2 and 3 was taken on record on that date. This Court has observed that perusal of the same discloses that during the pendency of the petition the claim for necessary protection filed by petitioner 1 to 3 and 5 to 7 has been accepted by the Corporation and the petition merely is to be considered in relation to petitioner 4 and 8 i.e. Sadanand Mahadev Dabir and Mrs.Prabhavati Tejrav Katkar.

2. The learned counsel for respondent 4-Corporation on the basis of report of the Assistant Commissioner of Mumbai Municipal Corporation K/West ward has made a statement that Smt. Prabhavati Katkar is eligible for protection under the policy as on 1-1-1995. So far as Sadanand Dabir is concerned

we find from the affidavit dated 27th September 1993 which is annexed to the affidavit of Smt. Prabhavati Katkar that Sadanand Dabir has stated that he has acquired another accommodation elsewhere and therefore he wishes to transfer the premises in the name of his married sister Smt.Shamili Shamkant Nhavkar. He has further stated that he himself, his family members and nominees have no objection of whatsoever nature for the said transfer and none of them shall claim any rights whatsoever in respect of the said premises in future. It is further stated that he has already handed over vacant and exclusive possession of the premises to his married sister Smt.Shamili Shamkant Nhavkar for her permanent use and at present she is residing there along with her family. This Affidavit is sworn on 27th September 1993 and therefore it is clear that as on 1-1-1995 Sadanand Dabir was not in occupation. Obviously, he is not entitled for protection. The petition is disposed of in the abovestated terms.

(SMT.RANJANA DESAI,J.)

(ABHAY S.OKA,J.)